

Message Text

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ORIGIN COME-00

INFO OCT-01 CIAE-00 DODE-00 EB-08 NSAE-00 ICA-11
TRSE-00 EUR-12 DOE-15 ISO-00 SOE-02 EA-10 ACDA-12
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DRAFTED BY COM/OEA CGSEASWORD:BAW
APPROVED BY EB/EWT RWPRACHT
EPWALINSKY, DIR/PPD/OEA/BTR
-----004922 291806Z /45
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FM SECSTATE WASHDC
TO AMEMBASSY PARIS

C O N F I D E N T I A L STATE 219060

EXCON USOECD

E.O. 11652:XGDS-1

TAGS:ESTC, COCOM, PL, GW

SUBJECT:GERMAN OSCILLOSCOPE TO POLAND - IL 1584

REFS: (A) COCOM DOC.(77)414; (B) PARIS 24972; (C) COCOM DOC
PROC(71)6 AND (D) COCOM DOC.(74)1370

1) WE ARE CONCERNED THAT THE GERMAN DECISION TO LICENSE THE
300 MHZ TRAVELING WAVE TUBE OSCILLOSCOPE COVERED BY REF(A)
AS A TEMPORARY EXPORT, AS REPORTED IN REF (B), WILL CON-
TRIBUTE TO THE USE OF THAT COCOM PROVISION AS A MEANS OF
DILUTING THE EMBARGO CONTROLS. WE RECOGNIZE THAT THERE IS
NO CLEAR RULING AS TO WHAT CONSTITUTES A TEMPORARY EXPORT
AND THE EXISTING DEFINITION CONTAINED IN PARAGRAPH D(C)(IV)
OF COCOM DOC. REG. 007 IS, AS THE CHAIRMAN OBSERVED IN
PARAGRAPH 13 OF REF (C), VAGUE AND ITS INTERPRETATION RE
INDIVIDUAL TRANSACTIONS A MATTER OF NATIONAL DISCRETION.
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2) EVEN TAKING THIS BACKGROUND INTO CONSIDERATION, WE ARE
HARD PRESSED TO UNDERSTAND WHY THE GERMANS CONCLUDED THAT
THE REF (A) OSCILLOSCOPE CONSIGNED TO AN INDIVIDUAL FOR AN
UNSUPERVISED TWO-YEAR PERIOD FALLS UNDER THE EXAMPLES OF
TEMPORARY EXPORTS CITED IN REG. 007 -- "PARTICIPATION IN
FAIRS, EXHIBITIONS, SUPERVISION OF INSTALLATIONS, ETC."

INDEED, THE GERMAN ACTION SEEMS TO CONTRADICT THE STATEMENT

MADE BY THE GERDEL ON JULY 9, 1974, WHEN, IN DISCUSSIONS RE TEMPORARY EXPORTS, HE WENT ON RECORD AS SAYING HIS DELEGATION DID NOT SHARE THE FRENCH CONTENTION THAT A TEMPORARY EXPORT COVERED ANY TRANSACTION IN WHICH THE EMBARGOED COMMODITY WAS RETURNED TO THE EXPORTING COUNTRY WITHIN A GIVEN PERIOD OF TIME (SEE PARAGRAPHS 3 AND 4 OF REF D).

3) ONE EXPLANATION OF THE GERMAN ACTION IS AN EFFORT TO MOVE AROUND THE US OBJECTION TO REF(A). AS MENTIONED IN PARAGRAPH 1, WE ARE CONCERNED OVER THE EFFECT THAT ACTION MAY HAVE. THEREFORE, USDEL IS REQUESTED TO DISCUSS THE MATTER WITH THE GERDEL, POINTING OUT OUR CONCERN AND ASKING HIM FOR THE REASONS WHICH PROMPTED THAT ACTION. USDEL SHOULD MENTION THAT THE US INTERPRETATION OF A TEMPORARY EXPORT IS ONE WHICH CLOSELY FOLLOWS THE EXAMPLES GIVEN IN REG. 007, PLUS THE ELEMENTS OF CONTROL, TIME AND MORE IMPORTANTLY, WILL THE COMMODITY BE USED DURING ITS TEMPORARY SOJOURN TO PRODUCE THE RESULTS WHICH CAUSED ITS EMBARGOING -- WILL IT "WORK" AS OPPOSED TO BEING A DISPLAY MODEL. IN MAKING THIS APPROACH, USDEL MAY DRAW ON THE CONTENTS OF PARAGRAPHS 1 AND 2 ABOVE, AS WELL AS ON THE BACKGROUND MATERIAL PERTAINING TO TEMPORARY EXPORTS IN THE RELEVANT PARAGRAPHS OF COCOM DOC.(72)686, (71)1672, AND
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PROC (71)6. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: OSCILLOSCOPES, STRATEGIC TRADE CONTROLS, EXPORT LICENSES, EMBARGOES
Control Number: n/a
Copy: SINGLE
Draft Date: 29 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: BAW
Enclosure: n/a
Executive Order: X1
Errors: N/A
Expiration:
Film Number: D780352-1004
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780812/aaaaajyv.tel
Line Count: 95
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: 75ccf759-c288-dd11-92da-001cc4696bcc
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Original Classification: CONFIDENTIAL
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Original Previous Classification: n/a
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Page Count: 2
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Reference: 78 PARIS 24972
Retention: 0
Review Action: RELEASED, APPROVED
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Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1586658
Secure: OPEN
Status: NATIVE
Subject: GERMAN OSCILLOSCOPE TO POLAND - IL 1584
TAGS: ESTC, PL, GE, COCOM
To: PARIS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/75ccf759-c288-dd11-92da-001cc4696bcc
Review Markings:
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